

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:09-501-JFA
)	
v.)	ORDER
)	
ERNEST K. JOHNSON)	
)	
_____)	

The defendant, Ernest K. Johnson, pled guilty to Count 1 (lesser included offense) of the Superseding Indictment charging him with conspiracy to possess with intent to distribute and to distribute five grams or more of cocaine base and 500 grams or more of cocaine, in violation of federal law. At sentencing and after the court granted a one-level variance, the defendant's offense level was 33, and with a criminal history category of VI, this yielded a sentencing guideline range of 235 to 293 months. The court sentenced the defendant to a custodial term of 238 months.

The government has now filed a motion for a reduction of sentence pursuant to Rule 35(b)(2) of the Federal Rules of Criminal Procedure. Specifically, the government suggests that the defendant has provided unrewarded substantial assistance in the investigation and prosecution of other individuals. In connection with its motion, the government recommends a three-level reduction in Johnson's total offense level.

Consistent with its standard practice, this court advised the defendant that the government's motion to reduce his sentence had been filed and invited him to provide

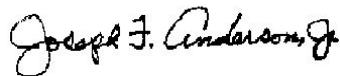
information that the court might consider in determining the extent of the departure. The defendant responded by way of a three-page letter in which he primarily discusses his family situation, his remorse at the crime he has committed, and his desire to lead a law-abiding life in the future. The defendant's response does not offer any details regarding his cooperation that was not already furnished by the government.

After carefully reviewing the materials submitted by the government and the defendant, this court is of the opinion that a reduction of 3 levels is appropriate in this case. Therefore, the defendant's new offense level is 30 and the criminal history category remains at VI, yielding an advisory sentencing range of 168 to 210 months imprisonment.

Accordingly, the government's motion for a reduction of sentence is hereby granted. The custodial portion of the defendant's sentence is hereby reduced to a term of 168 months. All other aspects of the original sentence remain in full force.

IT IS SO ORDERED.

January 10, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge